

EXHIBIT 17

Apr. 16, 2003 9:38AM

No. 9380 P. 2/4

DORE AND WHITTIER, INC. Architects • Project Managers

1795 Williston Road, Suite 5, South Burlington, Vermont 05403 Tel. (802)863-1428 Fax (802)863-6955
 1400 Hancock Street, Quincy Massachusetts 02169 Tel. (617) 471-2897 Fax (617) 471-2516

**DEPOSITION
EXHIBIT**Dore 42-
4-13-05**MEETING NOTES**

DATE OF MEETING: 2 April 2003

PROJECT: North Brookfield Jr./Sr. High School
Dore & Whittier Project No. 00-404

SUBJECT: School Building Committee Meeting, 7:00 PM

ATTENDING:

Don Gillette	Co-Chair, Building Committee
Greg Kline	Building Committee
Jim Wuelfing	Building Committee
George Hanson	Building Committee
Ed O'Malley	Principal
Robert O'Neill	Superintendent
Chris Conway	Construction Manager (CMC)

- Minutes of 19 March 2003 were distributed and reviewed. Due to the lack of a quorum these minutes will need to be approved at the next meeting.
- Chris Conway presented the construction manager's report:

Exterior of the building

The contractor is reworking the building loop road from the west corner to the mid point of the gym rear wall due to frost and snowmelt and recent rains. The roadbed that was placed last fall has been removed and is being replaced with a base layer of 6" trap rock then a layer of 2" stone and gravel. The retention pond is being re-excavated to remove muck and earth that has fallen in over the winter. Dewatering of the pond and the two remaining well points is continuing daily to relieve the ground water.

Area C

The masons are back on site with a crew of three masons and two tenders. This crew is scheduled to be increased as soon as the contractor completes the loop road repair. The present crew has completed the CMU shear wall along the south side of the mechanical room and is currently erecting the split face veneer along the rear foundation of area C. The focus for this crew will be on exterior veneer of the north, west and south elevations of area C. The plumber is nearing completion of the below slab acid and sanitary waste systems for this area. The contractor continues to place the final lift of structural fill and has an approved material for the slab on grade base coarse material. Placement of base coarse material is expected next week.

Area B

The plumber has completed the underground waste for the kitchen area and is currently working on the mechanical room under slab lines. The plumber has started under slab

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North Brookfield School Building Committee
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sanitary and acid waste lines at the lower level lobby and cafeteria and EJS has started excavation of those lines. The mason will be starting the elevator shaft walls at the lower level tomorrow or Friday. At the main level the plumber has installed the composite slab sleeves thru out all of area B. The ironworker has placed and welded most of the main level metal decking. There still remains a substantial amount of detailing and roof level decking at this area. EJS has shifted the ironworker's efforts to area A and will be returning to area B once completed with A.

Area A

The ironworker is continuing with detailing in this area. Placement of main level decking and edge stops is ongoing. Welding off of the structural steel brace frames is nearly complete. The ironworker will be moving to the roof level decking and roof edge angle placement and welding at the end of this week.

Major Material Deliveries

- o Greenwood Industries has delivered 33,000 sf of sloped roof insulation to the site.
 - o EJS has delivered 28,000 sf of 2.5" rigid insulation for use at the exterior wall assemblies.
 - o EJS continues to deliver masonry units for exterior veneer and shear wall assemblies on a daily basis.
 - o Cheviot Corp has delivered three trailer loads of the window systems for the exterior walls.
3. It was noted that there still hasn't been a schedule update delivered to the Committee as required by the contract documents. D&W will issue a memo to EJS listing outstanding items required that are on a critical path.
 4. The Building Committee requested that D&W investigate a projected completion date for the project based on manpower history to date as well as payment requisitions. The Committee is concerned that potential liquidated damages costs will be very high and question if the contractor's retainage alone could cover these costs.
 5. D&W issued a revised basketball court layout option with 4 ft purple boundary around playing surface. Volleyball court lines were also on the layout plan. The school emblem proposed at the last meeting by the athletic department was also located on center court. The Committee is concerned about the emblem with a flag painted on the court. Ed O'Malley will relay this concern to the athletic department and it will be discussed further at the next meeting.
 6. The Committee reviewed warrants for the project. Building Committee members in attendance signed the warrant and it will be reviewed and processed at the next meeting when a quorum is present.
 7. The Committee requested a site tour within the next month. With daylight savings starting soon, the Committee may be able to tour the site prior to the commencement of a meeting. Members were invited to the scheduled walking tour of the construction site at 10AM on April 2, 2003.

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8. The next Building Committee meeting will be held on 16 April 2003 at 7:00pm.

The above is my summation of our meeting. If you have any additions and/or corrections, please contact me for incorporation into these minutes. After 10 days, we will accept these minutes as an accurate summary of our discussion and enter them into the permanent record of this project.

Sincerely,

DORE AND WHITTIER, INC.
Architects • Project Managers

LPD/jlc
Lee P. Dore, Assoc. AIA, CSI
Project Manager

c Bob O'Neill, Superintendent of Schools
Mr. John Couture, Building Inspector
Chris Conway, Construction Manager
Engineers Design Group
Garcia, Galuska, Desousa
Berkshire Design Group
ATC
CCR/Pyramid
John Crisafulli Consulting Services, Inc.
RJD/LPD/ARR/JFT/RLZ/HA/CMC/GOJ/DAW/File

Prepared 14 April 2003

EXHIBIT 18

Robert J. O'Neill

05/23/2005

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VOLUME: I

**CERTIFIED ORIGINAL
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PAGES: 1 to 186

EXHIBITS: See Index

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

----- x

AMERICAN MANUFACTURERS MUTUAL
INSURANCE COMPANY

Plaintiff

v.

Civil Action

No. 03-40266-CBS

TOWN OF NORTH BROOKFIELD
Defendant

----- x

DEPOSITION OF ROBERT J. O'NEILL

Monday, May 23, 2005

9:06 a.m.

Holland & Knight

10 St. James Avenue

Boston, Massachusetts

Michelle Keegan, Court Reporter
Legalink Boston

Robert J. O'Neill

05/23/2005

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11:12:34 1 requisitions.

11:12:36 2 "The committee was concerned that
11:12:38 3 potential liquidated damages costs would be very
11:12:41 4 high and question if the contractor's retainage
11:12:45 5 alone could cover these costs."

11:12:46 6 Do you remember anything more of that
11:12:49 7 discussion?

11:12:51 8 A. I do recall that discussion. And just as
11:12:54 9 mentioned previously, I think the building committee
11:13:00 10 was looking for documentation with regard to their
11:13:11 11 concerns about the schedule. And it was felt that
11:13:16 12 another way to do that would be to formalize a
11:13:22 13 budget and a manpower summary report.

11:13:27 14 Q. Which member or members of the building
11:13:29 15 committee made the suggestion for an analysis based
11:13:36 16 on manpower history?

11:13:38 17 A. I don't recall specifically the name.

11:13:40 18 Q. Who suggested making an analysis based on
11:13:43 19 payment requisitions?

11:13:45 20 A. I don't recall who specifically. I do
11:13:50 21 recall there was general consensus that that would
11:13:53 22 be good information to have.

11:13:53 23 Q. Did anyone talk about specific numbers
11:14:00 24 concerning the estimated liquidated damages as of --
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Robert J. O'Neill

05/23/2005

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11:14:08 1 that the committee thought they would be entitled to
11:14:10 2 as of the April 2, 2003 meeting?

11:14:13 3 A. I don't recall that discussion.

11:14:16 4 Q. Did anyone point out what the retainage
11:14:21 5 amount was as of the time of the April 2, 2003
11:14:25 6 meeting?

11:14:26 7 A. I don't recall.

11:14:30 8 Q. Did Dore & Whittier ever present the
11:14:44 9 building committee with a projected completion date
11:14:48 10 for the project based on manpower history?

11:14:50 11 A. I believe they did at a subsequent meeting.

11:15:01 12 Q. Have you exhausted your recollection of the
11:15:11 13 discussion concerning the request that Dore &
11:15:14 14 Whittier investigate a projected completion date?

11:15:16 15 A. Yes.

11:15:19 16 MS. GRIFFIN: Let's mark this as the
11:15:21 17 next exhibit.

11:15:24 18 (Exhibit Number 180
11:15:39 19 marked for identification)

11:16:59 20 (Pause)

11:16:59 21 Q. Can you identify Exhibit 180, please?

11:17:01 22 A. It's my personal notes from the meeting of
11:17:08 23 4/2, maybe.

11:17:12 24 Is it 4/2?
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05/23/2005

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Q. April 2. That's the same meeting we were just discussing in Exhibit 42; is that right?

A. Correct.

Q. And if you'd turn to the second page of Exhibit 180, the last note you made on that page says, "Penalties will exceed retainage," dash what? Do you see that?

A. Yes.

Q. And did I read it correctly?

A. Yes.

Q. Does that refresh your recollection as to anything more about the discussion concerning whether the retainage would be enough to cover liquidated damages?

A. No. I think just the question.

Q. What did you mean by writing the word "what"?

A. I'm not sure. There was probably a question in my mind, the same issue, will they.

Q. So you wrote it initially as a statement that penalties will exceed retainage, correct?

A. I'm not sure.

Q. Did someone, in fact, make that statement as a statement?

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11:28:29 1 A. Yup.

11:28:30 2 Q. You attended the school building committee
11:28:33 3 meeting of April 16, 2003?

11:28:35 4 A. Yes.

11:28:35 5 Q. Paragraph 2 states, "Dore & Whittier
11:28:46 6 deferred the construction manager's report until the
11:28:47 7 next meeting, as progress has been slow over the
11:28:50 8 past two weeks." Was there any discussion about
11:28:53 9 progress over the past two weeks at the April 16
11:28:57 10 school building committee meeting beyond what's
11:28:59 11 referenced there?

11:29:00 12 A. I don't recall.

11:29:00 13 Q. Paragraph 5 says, "A projected completion
11:29:08 14 graph for the project as of 16 April 2003 was
11:29:15 15 distributed." Is the graph that's referenced there
11:29:23 16 the document marked Exhibit 46?

11:29:27 17 A. I believe so.

11:29:28 18 Q. And then paragraph 5 continues by saying, at
11:29:42 19 the bottom of the first page, "Dore & Whittier and
11:29:44 20 the committee are very concerned that this schedule
11:29:48 21 will not be completed anywhere near the contract
11:29:51 22 time frame."

11:29:57 23 Did anyone voice the view at the school
11:29:59 24 building committee meeting of April 16, 2003 that it
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Robert J. O'Neill

05/23/2005

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11:30:04 1 was still possible for the building to be completed
11:30:06 2 on time?

11:30:06 3 A. I don't recall.

11:30:11 4 Q. The graph that was marked Exhibit 46, what
11:30:32 5 was your understanding of what it was that would be
11:30:41 6 completed at the end of the graph there? The new
11:30:46 7 building?

11:30:46 8 MR. MCENANEY: Objection.

11:30:49 9 Q. Let me rephrase the question. Up at the top
11:30:53 10 of the graph it says, "Estimated completion is 14
11:30:56 11 months beyond substantial completion," right? Do
11:31:01 12 you see that?

11:31:01 13 A. Yup.

11:31:03 14 Q. And was this graph explained to you at the
11:31:08 15 April 16 meeting?

11:31:09 16 A. Yes.

11:31:10 17 Q. Who gave the explanation?

11:31:15 18 A. I believe Lee Dore did.

11:31:17 19 Q. Did Mr. Dore explain that it was the
11:31:23 20 estimated completion for the new building that was
11:31:26 21 14 months beyond the substantial completion date?

11:31:31 22 A. I believe so.

11:31:31 23 Q. Now, going over to page 2 of Exhibit 45, the
11:31:54 24 sentence begins at the bottom of the first page,
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Robert J. O'Neill

05/23/2005

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11:57:18 1 Q. After sending out the letter which is marked
11:57:45 2 Exhibit 85, did you get a response from Sciaba?

11:57:50 3 A. I received a call, I believe, from Matt Daly
11:57:57 4 shortly thereafter indicating that May 7th was a
11:58:03 5 problem and requesting a reschedule to May 21st. He
11:58:16 6 assumed primary responsibility for the project.

11:58:21 7 Q. When did Mr. Daly call you to tell you that
11:58:23 8 May 7th was a problem?

11:58:28 9 A. As I recall, at least a week in advance.
11:58:31 10 Maybe sometime around the end of the month.

11:58:33 11 Q. The end of April?

11:58:35 12 A. Yes.

11:58:35 13 Q. I'm going to show you next a document that
11:58:50 14 was marked previously as Exhibit 49, and then I'm
11:58:56 15 going to show you --

11:58:59 16 MS. GRIFFIN: Let's mark the next
11:58:59 17 exhibit before I show it to you.

11:59:02 18 (Exhibit Number 181
11:59:03 19 marked for identification)

11:59:19 20 Q. Exhibit 181 is another copy of the minutes
11:59:25 21 that were marked as Exhibit 49, but on 181 some of
11:59:34 22 the copying made part of page 1 illegible, but
11:59:39 23 there's also some handwriting on Exhibit 181 that is
11:59:42 24 not on 49. Do you see that?

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11:59:43 1 A. (No verbal response)

11:59:53 2 Q. Was that yes?

11:59:54 3 A. Yes.

11:59:54 4 Q. Is the handwriting on Exhibit 181, apart
12:00:02 5 from Mr. Aksdal's signature, is that your
12:00:04 6 handwriting?

12:00:05 7 A. I believe so.

12:00:13 8 Q. Can you tell us when you made the
12:00:16 9 handwritten notes on Exhibit 181?

12:00:18 10 A. My guess would be at the next meeting, next
12:00:25 11 job meeting, potentially May 28th, if we adhered to
12:00:33 12 the schedule.

12:00:33 13 Q. Would you turn to the last page of Exhibit
12:00:54 14 181, please, and take a look at the notes to the
12:01:11 15 right of Mr. Aksdal's signature. You wrote "New
12:01:20 16 CC," dash, and then there's something in quotes.
12:01:22 17 Would you read that -- what's in quotes.

12:01:25 18 A. "Nothing has happened in the last two weeks.
12:01:29 19 EJS is resolving financial issues."

12:01:32 20 Q. Was that a statement that Chris Conway made?

12:01:34 21 A. I believe so.

12:01:34 22 Q. The next entry says, "Lee," dash, "submit
12:01:53 23 schedule," dash, "substantial completion date. Not
12:01:57 24 hit 8/15." Did I read that right?

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12:01:59 1

A. Yes.

12:02:00 2

Q. Can you recall what discussion there was about that issue that led you to make those notes?

12:02:05 3

12:02:07 4

A. Not exactly.

12:02:09 5

12:02:15 6

Q. That note goes on to say, "Billing for 73 percent general conditions." What's the dollar amount there that follows?

12:02:20 7

12:02:22 8

A. It looks like \$35,000 a month.

12:02:25 9

12:02:27 10

Q. Do you remember the discussion about that item?

12:02:27 11

A. No, I don't.

12:02:28 12

Q. What is the next note say? Strike that.

12:02:37 13

12:02:43 14

Before I ask you about that, in the two segments that I just read were you making a note of something Lee Dore said at the meeting?

12:02:46 15

12:02:48 16

A. Yes.

12:02:49 17

12:02:53 18

Q. And then the next one says "MD." Was that Matt Daly talking now?

12:02:55 19

A. I would guess so, yes.

12:02:56 20

Q. Okay. And what did you write there?

12:02:58 21

12:03:04 22

A. "Receptive to reducing as long as covers my cost. Divide by the months left."

12:03:11 23

Q. Keep going.

12:03:12 24

A. "Will bill according to new completion
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12:03:14 1 date."

12:03:14 2 Q. Do you remember the discussion that led to
12:03:16 3 your making those notes?

12:03:18 4 A. No, I guess I don't recall the specifics.
12:03:33 5 It had to do with Sciaba's costs related to the
12:03:37 6 potential new completion date and a reduction in
12:03:42 7 sciaba's costs.

12:03:44 8 Q. Did anybody from Dore & Whittier tell Sciaba
12:03:50 9 what date to use as a substantial completion date in
12:03:53 10 their next schedule?

12:03:54 11 A. I don't recall.

12:03:57 12 Q. Way over on the left there's a note that
12:04:09 13 starts "CC," quote, "tremendous amount of work this
12:04:12 14 summer." Did I read that right?

12:04:13 15 A. Yes.

12:04:13 16 Q. Was that something that Mr. Conway said?

12:04:17 17 A. I believe so.

12:04:20 18 Q. And what was the discussion that led you to
12:04:24 19 make that note?

12:04:25 20 A. I guess we were still optimistic at this
12:04:35 21 point. There's much that needs to get done.

12:04:42 22 Q. And then a little bit below that there's an
12:04:48 23 asterisk, and it says, "\$50,000 for roadwork.
12:04:55 24 Estimate phone." Can you finish reading that note?

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EXHIBIT 19



4/2/2003

School Building Committee

1. Minutes from March 19, 2002
2. Job meeting March 19
3. Bills - D & W
Plumbing Inspection
4. Itemized budget list to be

George Haver - no previous unofficial -
 Greg Kline - Holyoke Equipment Notice -
 Don Hildebrand - weather - good + bad - frost/water -
 Jim Wulffing - site impact.
 Chris Conway - Bob, Ed, Mike - site visit
 Ed - loop road effort 24-30' mud w stone - large
 trap rock. Allows heavier equipment
 5-6,000 stone.
 without this - no equipment activity
 actual + - no cost to owner - some post removal
 + trap rock replacement
 Continued dewatering
 Moore back on site 3 M + 2 tenders
 Veneer - Area C - Back wall ^{Mechanical room} HVAC room
 Plumber - prep for base slab in C
 Stay safe - And waste question in Science
 Kitchen Mechanical plumbing accepted + approved
 ? slab in C - 3 weeks. Electric under
 slab is OK. No 2 week look-ahead

Iron - focused on A, w B - 90% new steel
 metal decking. Substantial detailing still left. ~~at~~
 roof level + gym to B.
 Material deliveries - 33,000 ft² - ^{Organic} materials
 28,000 ft² - insulation - Diabla

(over)

NE 40095
Cheat
masonry units, materials. 3 trailer loads of
window assembly
Scribe issues for Pranklin.
Updated schedule? Mike/Chris? - continued
manpower + equipment problems? past performance
projection on past requirements - When Bee &
work out. Produced some type of projection.
% complete, cost. We need to project activities
into next year. Based on % complete + cost
Basketball Court - renewed only concern is
the flag

Bills. signed but need approval next month

? or schedule follow up, any other activities

? or site tour for bldg committee -

Long term look ahead based on performance to date -
start looking at our options

Penalties will exceed retainerage - What

4/8/2003

School
Building
Committee

George O. Hanson

BC

Robert O'Neill

NBPS

Lug Kling

SBC

Edna Small

Principal

Jim Wulfgaard

SBC

Jim Klette

S.B.C.

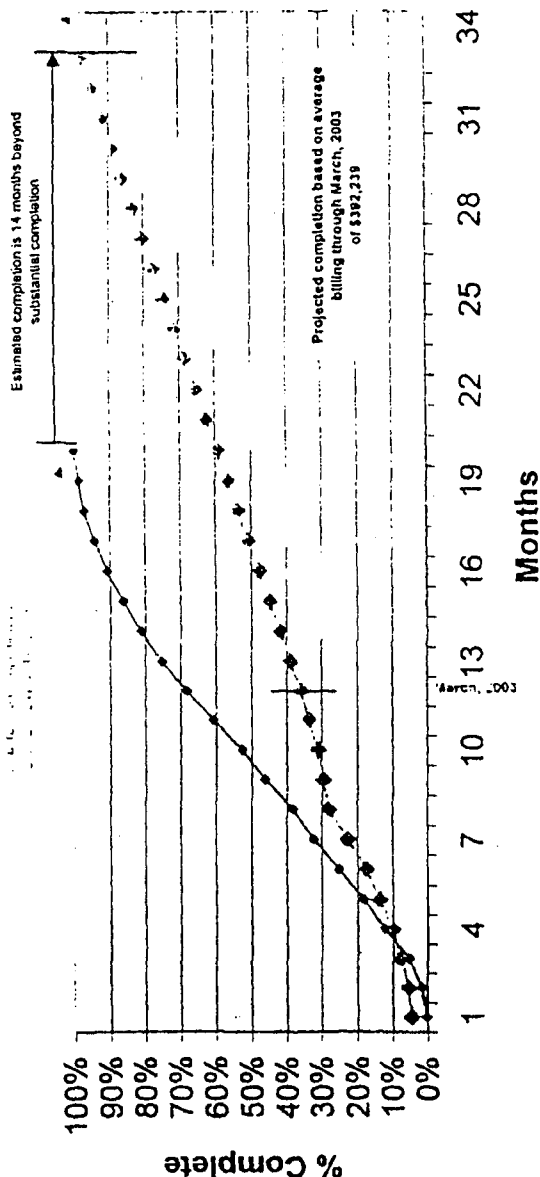
Chris Conway

D&W

EXHIBIT 20

Actual Billings vs. D&W Est. Drawdown As of 4-16-03

Projected
completion
January 2003



Projected Billings
Actual

Month	Actual Billings	Actual %	Contract Amount	Actual Total Billings	Actual % Complete	Expected Total Billings	Expected % Complete	Contract Start Date	Substantial Completion Date	Avg. Billing required per month (based on 15 month schedule)	Actual Avg. Billing per month (as of 4-16-03)
Apr-02	\$585,194.30	4.43%	\$13,222,000.00	\$4,706,870.86	35.60%	\$9,517,960.00	71.99%	19-Apr-02	Building: 17-Jul-03 (15 months) All (inc. site) 17-Nov-03 (19 months)		
May-02	\$82,723.80	0.70%		\$292,210.50	2.21%						
Jun-02	\$309,789.30	2.34%		\$517,010.30	3.91%						
Jul-02											
Aug-02											
Sep-02	\$486,117.85	3.68%		\$673,727.85	5.10%						
Oct-02											
Nov-02	\$704,823.60	5.33%									
Dec-02	\$218,047.87	1.65%									
Jan-03	\$187,522.19	1.42%									
Feb-03	\$354,058.50	2.68%									
Mar-03	\$285,644.00	2.16%									
Total											
Contract Amount											
Actual Total Billings											
Actual % Complete											
Expected Total Billings											
Expected % Complete											
Contract Start Date											
Substantial Completion Date											
Avg. Billing required per month (based on 15 month schedule)											
Actual Avg. Billing per month (as of 4-16-03)											

EXHIBIT 21

Apr. 22, 2003 8:18AM

No. 9510 P. 2/4

DORE AND WHITTIER, INC. Architects • Project Managers

1795 Williston Road, Suite 5, South Burlington, Vermont 05403 Tel. (802)863-1428 Fax (802)863-6955
 1400 Hancock Street, Quincy Massachusetts 02169 Tel. (617) 471-2897 Fax (617) 471-2516

MEETING NOTES**DEPOSITION
EXHIBIT**Dore 45
4-13-05

VS

DATE OF MEETING: 16 April 2003

PROJECT: North Brookfield Jr./Sr. High School
Dore & Whittier Project No. 00-404

SUBJECT: School Building Committee Meeting, 7:00 PM

ATTENDING:

Don Gillette	Co-Chair, Building Committee
Jim Murray	Co-Chair, Building Committee
Greg Kline	Building Committee
Ed Wilkins, Jr.	Building Committee
Patricia Pariseau	Building Committee
Mary Ellen Tshilis	Building Committee
Ed O'Malley	Principal
Robert O'Neill	Superintendent
Chris Conway	Construction Manager (CMC)
Lee Dore	Dore and Whittier, Inc. (DW)

1. Minutes of 2 April 2003 were distributed and reviewed. Due to the lack of a quorum these minutes were not formally voted. Minutes of 19 March 2003 were approved unanimously as presented.
2. DW deferred the construction manager's report until the next meeting as progress has been slow over the past two weeks.
3. A motion was made to accept Peter Barstow's resignation from the Building Committee. This motion was approved unanimously. It is noted that there are seven active members of the Building Committee.
4. George Hanson passed away last week. The Committee valued his dedication and commitment to the building project, he will be missed. The Committee will draft a letter of appreciation for review at the next meeting.
5. DW distributed a projected completion graph for the project as of 16 April 2003. This projection was based on average monthly requisitions on the project to date. The projection indicates a completion date of January, 2005, more than one year late. Substantial Completion with all approved extensions of contract is December 15, 2003. The required average monthly billing to hit the project schedule was approx. \$881,000 per month. The actual billings have been \$392,000 per month and decreasing over the last three months. The projected completion percentage as of 16 April 2003 is 72% complete while the actual is 36% complete. DW and the Committee are very concerned that this schedule will not be completed anywhere near the contract timeframe. The Committee noted that additional costs

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will be incurred to pay the Architect and Construction Manager beyond the scheduled substantial completion dates. These funds will need to be made up by liquidated damages of \$1,000 per day for each and every day the project is beyond substantial completion. Liquidated damages are estimated at over \$400,000 based on the projected completion date.

6. D&W reviewed ongoing issues with the General Contractor.
 - Roofer has issued a letter to EJS stating that they will not be working on any EJS jobs until accounts are paid in full on several projects not just North Brookfield.
 - Griffin Electric has demobilized from the site as of today due to lack of progress on the work of the general contractor.
 - DW is concerned that approved change orders are not being distributed to subcontractors. One CO dating 1/14/03 has not been forwarded to Griffin Electric regarding additional conduit. Griffin stated that their price proposal is no longer valid and it will be an additional cost to EJS.
 - Millis Plumbing has filed for direct payment claims. DW advised the Committee to send the claim to Town Counsel for them to issue a letter back to EJS with a specific time frame for action on the claim.
7. DW advised the Committee that the March, 2003 Application for Payment will be sent back to EJS with an explanation of mistakes such as:
 - Non incorporation of CCD #5 (2nd month in a row this has not been added)
 - Lack of monthly progress schedule (last rec'd on 12/02)
 - Lack of coordination drawings
 - Lien release from Millis is not dated and appears to be from January, 2003 (Millis is filing a direct payment claim)
8. The Committee discussed available options to them regarding lack of performance by the Contractor. A motion was made to have Town Counsel review the job status and provide recommendations on how to proceed. This motion was approved unanimously.
9. The Committee review another proposed basketball court color scheme. This option had an additional 4 ft black strip around the 4 ft purple stripe at the perimeter of the court. This layout also did not include volleyball striping. The Committee deferred a decision on this layout until the next meeting when the athletic director can be present.
10. The Committee approved warrants for the Dept. of Revenue and Yankee Engineering and Testing services.
11. CMC noted that Verizon is still working on a cost for new service connection. The utility easement for Verizon has been approved by the Selectboard and returned to Verizon.
12. DW to fax copies of the payment bond and performance bond to Jim Murray at work. Bob O'Neill will have a copy of the Contract between the Town and EJS sent to Kopelman and Paige for review. DW noted that K&P may require a copy of the front end specifications as well.
13. The next Building Committee meeting will be held on 30 April 2003 at 6:00pm. A site tour

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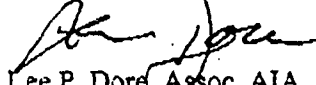
will start the meeting. Meeting will start at the Construction Manager's trailer.

The above is my summation of our meeting. If you have any additions and/or corrections, please contact me for incorporation into these minutes. After 10 days, we will accept these minutes as an accurate summary of our discussion and enter them into the permanent record of this project.

Sincerely,

DORE AND WHITTIER, INC.

Architects • Project Managers



Lee P. Dore, Assoc. AIA, CSI
Project Manager

c Bob O'Neill, Superintendent of Schools
Mr. John Couture, Building Inspector
Chris Conway, Construction Manager
Engineers Design Group
Garcia, Galuska, Desousa
Berkshire Design Group
ATC
CCR/Pyramid
John Crisafulli Consulting Services, Inc.
RJD/LPD/ARR/JFT/RLZ/HA/CMC/GOJ/DAW/File

Prepared 21 April 2003

EXHIBIT 22

APPLICATION AND CERTIFICATE FOR PAYMENT AIA DOCUMENT G702

PAGE ONE OF PAGES

TO OWNER: TOWN OF N. BROOKFIELD
10 New School Drive
North Brookfield, MA 01535

PROJECT: NORTH BROOKFIELD JR./SR. HI APPLICATION NO: 0013B

PERIOD TO: 5/1/2003

PROJECT NOS.: 238

Distribution to:

- ☐ OWNER
☐ ARCHITECT
☐ CONTRACTOR
☐
☐

FROM CONTRACTOR: E. J. SCIABA CONTRACTING CO., INC. ARCHITECT: DORE AND WHITTIER, INC.
18 Wolcott Street 1795 Williston Road
Readville, MA 02137 S. Burlington, VT 05403

MAY 08 2003

CONTRACT DATE:

CONTRACT FOR:

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the contract.
Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM \$13,222,000.00
2. Net change by Change Orders \$132,829.28
3. CONTRACT SUM TO DATE (Line 1 ± 2) \$13,354,829.28
4. TOTAL COMPLETED & STORED TO DATE \$5,426,335.90
(Column G on G703) \$5,427,335.90
5. RETAINAGE:
a. 5.000 % of Completed Work \$0.00
(Columns D + E on G703)
b. 5.000 % of Stored Material \$0.00
(Columns F on G703)
Total Retainage (Line 5a + 5b or \$271,316.80
Total in Columns I on G703)
6. TOTAL EARNED LESS RETAINAGE \$5,155,969.10
(Line 4 less Line 5 Total)
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT \$4,712,235.34
(Line 6 from prior Certificate) \$4,711,286.32
8. CURRENT PAYMENT DUE \$443,733.76
\$443,733.76
9. BALANCE TO FINISH, INCLUDING RETAINAGE \$8,199,810.18
(Line 3 less Line 6)

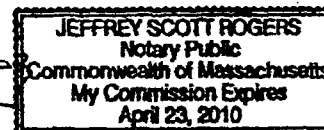
CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$156,179.07	\$23,349.79
Total approved this Month	\$0.00	\$0.00
TOTALS	\$156,179.07	\$23,349.79
NET CHANGES by Change Order		\$132,829.28

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: E. J. SCIABA CONTRACTING

By: [Signature] Date: 5/9/03
5/8/2003State of: MassachusettsCounty of: Suffolk

Subscribed and sworn to before

me this 8th day of May 2003Notary Public: Jeffrey S. Rogers
My Commission expires: 04/23/2010

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$443,733.76

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT: Dore & Whittier, Inc.

By: [Signature] Date: 5/9/03
5/8/2003

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

Case # 4-1305 US
EXHIBIT 72

CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 1 OF 23 PAGES

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification, is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO.: 0013B

APPLICATION DATE:

PERIOD TO: 5/1/2003

ARCHITECT'S PROJECT NO.: 238

A	B	C	D E		F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	%(G÷C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE) RATE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
00005	Mobilization & Internal Office Setup	\$123,722.00	\$123,722.00	\$0.00	\$0.00	\$123,722.00	100.000	\$0.00	\$6,186.10
00010	General Contractor Bond	\$247,444.00	\$247,444.00	\$0.00	\$0.00	\$247,444.00	100.000	\$0.00	\$12,372.20
00015	Subcontractor Bonds	\$118,000.00	\$118,000.00	\$0.00	\$0.00	\$118,000.00	100.000	\$0.00	\$5,900.00
00020	GLPD Insurance	\$26,000.00	\$26,000.00	\$0.00	\$0.00	\$26,000.00	100.000	\$0.00	\$1,300.00
00025	Builders Risk	\$32,000.00	\$32,000.00	\$0.00	\$0.00	\$32,000.00	100.000	\$0.00	\$1,600.00
00030	Baseline CPM Schedule	\$10,000.00	\$10,000.00	\$0.00	\$0.00	\$10,000.00	100.000	\$0.00	\$500.00
00035	Schedule of Values	\$5,000.00	\$5,000.00	\$0.00	\$0.00	\$5,000.00	100.000	\$0.00	\$250.00
00040	Construction Sign	\$3,500.00	\$3,500.00	\$0.00	\$0.00	\$3,500.00	100.000	\$0.00	\$175.00
00045	Construction Fence	\$24,000.00	\$24,000.00	\$0.00	\$0.00	\$24,000.00	100.000	\$0.00	\$1,200.00
00050	SUBTOTAL	\$589,666.00	\$589,666.00	\$0.00	\$0.00	\$589,666.00	100.000	\$0.00	\$29,483.30
00100	GENERAL CONDITIONS								
00105	Project Staffing	\$452,853.00	\$298,546.21	\$25,158.00	\$0.00	\$323,704.21	71.481	\$129,148.79	\$16,185.21
00110	Field Offices	\$25,000.00	\$16,680.00	\$1,390.00	\$0.00	\$18,070.00	72.280	\$6,930.00	\$903.50
00115	Temporary Telephones	\$10,000.00	\$6,105.00	\$555.00	\$0.00	\$6,660.00	66.600	\$3,340.00	\$333.00
00120	Temporary Toilets	\$5,000.00	\$3,360.00	\$280.00	\$0.00	\$3,640.00	72.800	\$1,360.00	\$182.00
00125	Electrical Consumption	\$16,000.00	\$9,160.00	\$1,090.00	\$0.00	\$10,250.00	64.063	\$5,750.00	\$512.50
00130	Storage Trailors	\$3,500.00	\$2,838.00	\$200.00	\$0.00	\$3,038.00	86.800	\$462.00	\$151.90
00135	Tarps, Blankets & Temp. Enclosure	\$5,000.00	\$4,000.00	\$0.00	\$0.00	\$4,000.00	80.000	\$1,000.00	\$200.00
00140	Interim Cleaning	\$8,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$8,000.00	\$0.00
00145	Project Photos	\$3,000.00	\$1,826.00	\$0.00	\$0.00	\$1,826.00	60.867	\$1,174.00	\$91.30
00150	CPM Schedule Updates	\$16,000.00	\$5,000.00	\$0.00	\$0.00	\$5,000.00	31.250	\$11,000.00	\$250.00
00155	Registered Survey	\$15,000.00	\$14,000.00	\$0.00	\$0.00	\$14,000.00	93.333	\$1,000.00	\$700.00
00160	Layout Stakes & Supplies	\$10,000.00	\$8,500.00	\$0.00	\$0.00	\$8,500.00	85.000	\$1,500.00	\$425.00
00165	G.C. As-Builts & Closeout Documents	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$5,000.00	\$0.00
00170	Temporary Water	\$4,000.00	\$3,330.00	\$222.00	\$0.00	\$3,552.00	88.800	\$448.00	\$177.60
00175	Dumpsters	\$18,000.00	\$9,300.00	\$1,500.00	\$0.00	\$10,800.00	60.000	\$7,200.00	\$540.00
00180	Final Cleaning	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$10,000.00	\$0.00
00185	Building Permit	\$3,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$3,000.00	\$0.00
00299	SUBTOTAL	\$609,353.00	\$382,645.21	\$30,395.00	\$0.00	\$413,040.21	67.783	\$196,312.79	\$20,652.01
02060.00	BUILDING DEMOLITION								
02060.05	Demo Existing School	\$67,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$67,500.00	\$0.00
02060.98	SUBTOTAL	\$67,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$67,500.00	\$0.00

NBDW27016



AIA DOCUMENT G703 • APPLICATION AND CERTIFICATE FOR PAYMENT • 1992 EDITION • AIA® • ©1992 • THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK

AVENUE, N.W., WASHINGTON, D.C. 20006-5292

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G703-1992

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